

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

NO. 95-80071

IBRAHIM HOURANI and DANI HOURANI,

Defendant.

JURY TRIAL

PROCEEDINGS had and testimony taken in the above-entitled matter, before the HONORABLE BERNARD A. FRIEDMAN, United States District Court Judge for the Eastern District of Michigan, Southern Division, at U.S. Courthouse, 231 W. Lafayette, Room 238, Detroit, Michigan, on Tuesday, August 15, 1995, at approximately 9:00 o'clock a.m.

APPEARANCES:

TERRENCE G. BERG and JONATHAN TUKEL,
Assistant U.S. Attorney

Appearing for the government.

ROBERT MORGAN, ESQ.,

Appearing for the defendant I. Hourani.

STEVEN FISHMAN, ESQ.,

Appearing for the defendant D. Hourani.

FRED C. PRATT, CSR - UNITED STATES DISTRICT COURT

1 A Yeah.

2 Q What type of information did he give you?

3 A He just told me that the person was tellin'
4 was -- lived in Dearborn and was testifying -- I
5 guess he was sayin' -- tellin' on --

6 MR. FISHMAN: My objection is we don't
7 want the interpretation. If he knows the
8 words, great.

9 THE WITNESS: Huh?

10 THE COURT: Okay.

11 BY MR. BERG:

12 Q What exactly did Harry tell you about the
13 person who was the rat?

14 A There was a informant on his connection.

15 Q On his connection?

16 A Right.

17 Q And what do you mean by the word
18 "connection"?

19 A I guess where he get his heroin from.

20 Q Is that how you normally use that word,
21 connection?

22 A Yeah, connect.

23 Q Did he give you a description of the type
24 of vehicle that this person drove?

25 A Yes, he did.

FRED C. PRATT, CSR - UNITED STATES DISTRICT COURT

1 Q What did he tell you?

2 A A Honda Prelude with tinted windows.

3 Q Do you recall the color?

4 A It was black.

5 Q Did he also give you a physical description
6 of any kind?

7 A No.

8 Q Did -- at any point he give you the address
9 of where this person lived?

10 A He took me by there.

11 Q He took you by the house where this person
12 lived?

13 A Right.

14 Q Showed you where it was?

15 A Yes.

16 Q Do you remember where it was?

17 A It was off of Warren.

18 Q In what city?

19 A It was in Dearborn.

20 Q Do you remember the name of the street?

21 A No.

22 Q You mentioned something about a pager.

23 Did Harry, at any point, complain to
24 you about how to get ahold of Junior?

25 A Yeah.

FRED C. PRATT, CSR - UNITED STATES DISTRICT COURT

1 Q What did Harry say?

2 A That he'd keep pagin' Junior, and Junior
3 don't call him back, and Junior's not going to work.

4 Q If you could go back a little bit and let
5 me ask you, how did it come about that you went to
6 get this pager? Would you describe that?

7 A Well, Junior wasn't goin' to work out
8 because he wasn't meant to work out. He wasn't going
9 to work out anyway. He probably would call him back,
10 but he didn't. He didn't call him back. So I went
11 and got the pager back from Junior.

12 Q But before that Junior had gone to get the
13 pager?

14 A He had been -- got the pager when he first
15 got the money.

16 Q From?

17 A From Harry.

18 Q Did you go with Junior when he went to get
19 the pager?

20 A Yeah.

21 Q What was the purpose of having a pager?

22 A So he can have constant contact with him.

23 Q But you indicated that Junior wouldn't call
24 him back?

25 A No.

FRED C. PRATT, CSR - UNITED STATES DISTRICT COURT

1 Q And, did Harry complain to you about that?

2 A Yeah.

3 Q What did you do after Harry complained
4 about that?

5 A Went and got the pager back from Junior.

6 Q After you got the pager back from Junior,
7 what did you do with it?

8 A Gave it to Tony Mobean.

9 Q This person Tony Mobean, is that his true
10 name?

11 A No, it's Tony Owens.

12 Q Did you know him by the nickname of Tony
13 Mobean?

14 A Yes, I did.

15 Q How did you know this person Tony Mobean
16 Owens?

17 A From the neighborhood.

18 Q Where you live?

19 A Right.

20 Q Where is that located?

21 A Wyoming, Chicago, Schaefer, that whole
22 square like that.

23 Q And is that the same place where Tony
24 Mobean Owens was living?

25 A Right.

FRED C. PRATT, CSR - UNITED STATES DISTRICT COURT

1 Q That the west side of Detroit?

2 A Yes.

3 Q Is that the same neighborhood you were
4 living in at that time in summer and fall of 1992?

5 A No.

6 Q You were no longer living in that
7 neighborhood?

8 A No.

9 Q That was the neighborhood you grew up in
10 though?

11 A Yes.

12 Q How far is that neighborhood from Dearborn?

13 A About a mile.

14 Q Did you know --

15 A Might be two miles.

16 Q A mile or two?

17 A Yes.

18 Q Do you recall some of the cross streets you
19 have to go down?

20 A Yes. Like if you go down Wyoming you hit
21 Joy Road and then -- it's like across the street.

22 Q Would it be Plymouth, then Joy Road, then
23 Tireman?

24 A No, Plymouth, Chicago, Joy Road and
25 Tireman.

FRED C. PRATT, CSR - UNITED STATES DISTRICT COURT

1 Q You're talking about going from Plymouth to
2 Chicago?

3 A Yeah.

4 Q In between there?

5 A Yeah.

6 Q That's the neighborhood you're talking
7 about where Tony Mobean lived?

8 A Right.

9 Q So you'd have Chicago and Joy Road, and
10 Tireman is Dearborn?

11 A Yeah.

12 Q And these are the big streets, busy
13 streets?

14 A Yeah.

15 Q There's lots of other blocks in between?

16 A Yeah, in between there, there is.

17 Q Did you know Tony Mobean Owens' reputation
18 in that community?

19 A Yeah.

20 Q What type of reputation did he have?

21 A He's a killer.

22 Q How did you know Tony Mobean Owens? What
23 was your relationship?

24 A Just knew him. Grew up in the same
25 neighborhood.

FRED C. PRATT, CSR - UNITED STATES DISTRICT COURT

1 Q Did you have any type of drug relationship
2 with him?

3 A Yeah.

4 Q What was that?

5 A Heroin.

6 Q You were selling him heroin at the time?

7 A Yeah.

8 Q The heroin that you sold to Tony Mobean
9 Owens, where did that come from?

10 A I got it from Harry Rahal.

11 Q When you would make deliveries to this
12 person Tony Owens, how would they go down; the same
13 way you already described?

14 A Yeah, the same way.

15 Q You said that sometimes these deliveries
16 would take place at the location where the person
17 lived?

18 A Yes, it would.

19 Q Was this the case also with Tony Mobean
20 Owens?

21 A Yeah.

22 Q Did he live in one place?

23 A No, he lived about three or four different
24 houses.

25 Q Did you make deliveries to him at these

FRED C. PRATT, CSR - UNITED STATES DISTRICT COURT

1 various locations then?

2 A Yeah.

3 Q During the time that you would be making
4 these deliveries to Tony Mobean Owens, was this the
5 same time Harry Rahal was asking you whether or not
6 you could find someone who could do a shooting like
7 this?

8 A Yes.

9 Q And, did Harry Rahal routinely ask you
10 whether or not any of your customers could do this or
11 could be the type of person to do this?

12 A Anybody we had a deal with, you know, he
13 just kept askin', askin', can you get somebody? Can
14 you get somebody?

15 Q So eventually you gave this pager to Tony
16 Owens?

17 A Right.

18 Q Do you remember approximately when that
19 was, when you gave him the pager, as far as talking
20 somewhere in the -- after the time that Harry had
21 asked you whether or not you could do this, how many
22 months or weeks do you think it was before you
23 finally ended up giving the pager to Tony Mobean
24 Owens?

25 A Well, Junior had it for at least three

FRED C. PRATT, CSR - UNITED STATES DISTRICT COURT

1 weeks. So after that -- it might've been two and
2 half, three weeks after Junior. I'd say about --
3 altogether combined, probably two months.

4 Q Did you give the information to Tony Mobean
5 Owens as to where this person who was identified as
6 the rat lived?

7 A Yeah.

8 Q Did you also give him the information about
9 the type of vehicle that he had?

10 A Yeah.

11 Q At some point did you think that Harry
12 Rahal had actually met this person Tony Owens?

13 A Yeah, I thought they did, but I never seen
14 'em like exactly together. So, you know, I didn't
15 see 'em exactly together.

16 Q When you made the deliveries to Tony Owens,
17 was Mr. Rahal and Mr. Owens actually physically there
18 at the same time with each other in one spot?

19 A Like, you sayin' like altogether?

20 Q Right.

21 A No.

22 Q Okay. As far as you know, did you ever see
23 Harry Rahal and Tony Owens physically together?

24 A No.

25 Q What led you to believe that Harry may have

FRED C. PRATT, CSR - UNITED STATES DISTRICT COURT

1 Q What was the other type of car you had?

2 A Honda Accord, '87 Accord.

3 Q What color was that?

4 A Blue.

5 Q When you came back to Dearborn during this
6 time period, did you change your driving habits?

7 A Yes, sir.

8 Q What did you do?

9 A I start drive the Honda, the blue one
10 and --

11 Q And what was your reason for doing that?

12 A Because lots of people knows the other car,
13 so that shows a lot. They know my car. So I start
14 drive the other one, not people not know it. And
15 just because I was, you know, afraid.

16 Q And let me direct your attention, if I
17 could, to December 2nd of 1992. Do you remember that
18 day?

19 A I do.

20 Q Let me just ask you at the beginning of
21 that day, in the morning, do you remember what you
22 were doing?

23 A Yeah. I was for my house 77010 Bigham, I
24 left. Went over where Booty stayin'. I picked him
25 up from his friend's house. I took him down to

FRED C. PRATT, CSR - UNITED STATES DISTRICT COURT

1 Juliano's Hair salon and dropped him off there. I
2 left for like ten minutes. I came back. I went
3 inside Juliano and Booty had told me, give me -- can
4 I have your car keys. I said okay. I gave him the
5 car keys. He went and picked up the wife of friend.

6 Q Was that Mr. Hassan?

7 A Yes, picked up his wife and brought her to
8 the salon. And I left me and Booty over to my house.

9 Q Had Mr. Biri that day gone to get his hair
10 cut; is that why he was there?

11 A Yes, sir, he was getting shaving and hair
12 cut.

13 Q And then what happened when you went back
14 to your house?

15 A We -- we went down to the basement, and he
16 goes, well, I'm hungry. I want something to eat.
17 And I called my wife. I told her, uhmm, get him
18 somethin' ready. So he start eating, and around
19 quarter to 2:00, we leavin' the house and he was
20 ahead of me. He went to the passenger side --

21 Q How had you parked the car that day?

22 A It was parked in the wrong direction. So
23 Booty went to passenger side, I went to the driver's
24 side, and out of no where, a car pulled next to
25 Booty's side and all I heard -- shooting, three

FRED C. PRATT, CSR - UNITED STATES DISTRICT COURT

1 times.

2 Q And did you actually see the gun pointing
3 out of the car at some point?

4 A I didn't see the gun til, like, I went -- I
5 went down behind my car and I -- all I heard Booty
6 hit, goin' down, hit my car and the other car, and I
7 heard somethin' boom on the floor.

8 Q And you say you ducked when you heard the
9 gunfire?

10 A Yeah.

11 Q Where were you ducking?

12 A Behind driver door.

13 Q And then what happened after that?

14 A Then when I heard like Booty like hit --
15 went down, I heard the door open, so I just lifted my
16 head little bit to see what's goin' on, what really
17 goin' on, saw a guy opening the door with a gun in
18 his hand steppin' out, and he just went like this --
19 I was on the other side through the -- my car and
20 shot at me once. So I kept down, walk -- went back
21 to the rear of the car, to the back of the car, and
22 he kept comin' this way and he shot at me again while
23 I'm behind the car, here the window and everything
24 crack.

25 Q Back window?

FRED C. PRATT, CSR - UNITED STATES DISTRICT COURT

1 A Yes.

2 Q And then what did you do?

3 A Uhhh, I just went when he came to the front
4 of the car, I didn't run back to my house. I ran to
5 the sidewalk while I'm just lookin' at him, like, to
6 get in shots at me and I kept running.

7 Q Were you able to see approximately how
8 close the vehicle of the person who was shooting was
9 to where Mr. Booty Biri was standing?

10 A It was too close, which is, I think Booty
11 wouldn't even be able to open the door all the way,
12 his door.

13 Q So if I'm in the position of Mr. Biri and
14 you're the person with the gun, about how close was
15 the person when -- that you started to hear the
16 gunfire? Was he as close as you and I are now?
17 More?

18 A More.

19 Q This close?

20 A Yes, (indicating).

21 Q You indicated you ran down the sidewalk.
22 There was an exhibit that was previously admitted
23 into evidence as Government Exhibit 23A. Could you
24 take a look at that?

25 A Yes.

FRED C. PRATT, CSR - UNITED STATES DISTRICT COURT

1 Q What I would like to do, if I can hold this
2 over here, have you take a look at it. Is this the
3 approximate location of your house you were living at
4 that time?

5 A This is my house.

6 Q Okay. And when you say that you ran away
7 on the sidewalk, which way did you go?

8 A This is my car and the guy stepped out. He
9 went this way on the sidewalk. That's the sidewalk.

10 Q So you were running along this way in that
11 direction?

12 A And then the guy was up, really up here.

13 Q And what was happening as you were running
14 away?

15 A I was -- I was shaking. I was afraid. I
16 was thinking, am I going to die? Am I going to get
17 bullet any second? Am I gonna be in wheelchair for
18 rest of my life? It's think -- it -- three seconds
19 come here unbelievable.

20 Q Was he shooting at you?

21 A Yes.

22 Q And then what happened?

23 A I just kept running and looking and seeing
24 if he kept shooting at me, and then he just stopped
25 and went to his car.

FRED C. PRATT, CSR - UNITED STATES DISTRICT COURT

1 Q And did you see the car drive away?

2 A Yes.

3 Q And what did you do right after that?

4 A I ran just -- look to Booty. Which Booty
5 was on the floor with all blood, and he was gone. I
6 ran inside the house and dialed 911.

7 Q And did -- how long did it take before any
8 type of a police arrived?

9 A Just a couple minutes, three, four minutes.

10 Q And did you give the police information
11 about what you'd just seen and --

12 A Yes, I did.

13 Q What I'd like to do is to show you some
14 photographs that have been admitted into evidence as
15 Government Exhibit 26. Let me show you the
16 enlargements.

17 Do you recognize what's pictured in
18 this photograph? This is -- I'm referring to
19 Government Exhibit 26K at this time.

20 A That's my house. That's my car. That's
21 Booty.

22 Q And is this the hole in the windshield you
23 described as they were shooting at you as you were
24 ducking down here?

25 A Yes.

FRED C. PRATT, CSR - UNITED STATES DISTRICT COURT

1 Q Just so it's clear, where were you when the
2 gunman was here?

3 A I was this side, driver's side, and he shot
4 here at this side.

5 Q And then had you moved over to here --

6 A Because he stepped out, he came this side,
7 so I went this side, and he shot at me again.

8 Q Okay. And this photograph is Government's
9 Exhibit 26K. Is that a photo of the person you knew
10 as Booty Biri?

11 A Yes.

12 Q The officers also took photographs of other
13 things they found on the sidewalk toward the
14 direction you were running. I'm going to show you an
15 exhibit that's been marked as 26I. What is 26I a
16 picture of?

17 A A knife.

18 Q Do you recognize that?

19 A Yes.

20 Q How do you recognize it?

21 A I had it in my pocket.

22 Q Did you drop it that day?

23 A Yes.

24 Q Did you get a very good look at the UG
25 KHRUR who was doing the shooting that day?

FRED C. PRATT, CSR - UNITED STATES DISTRICT COURT

1 A Well, just a look. But I'm lookin' and
2 thinkin' like, no, like --

3 Q How long do you think you saw his face?

4 A Three seconds.

5 Q Were you mainly focussing on his face or
6 anything else?

7 A I was focussing just to live.

8 Q And did you do your best to give a
9 description to the Dearborn police of what this
10 person looked like?

11 A Yes, I did.

12 Q Do you remember approximately two years
13 later when you were sent a photo spread of possible
14 suspects in connection with this?

15 A Yes.

16 Q And you made -- you circled one of those?

17 A Yes, I did.

18 Q When you did that, how certain did you feel
19 about that identification?

20 A I felt like start lookin' and see I
21 remember what happen and feel what come from inside
22 me and look at the picture.

23 Q You did the best you could?

24 A Yes.

25 Q And during the time that you were working

FRED C. PRATT, CSR - UNITED STATES DISTRICT COURT